

REMARKS

35 USC §102

Claims 1 and 6 were rejected under 35 USC § 102(b) as being obvious over Horning Jr. (US 5007171) in view of Pankonin (US 2033050) and Dieringer (US 5438489).

The applicant disagrees with the rejections. among other things, Dieringer and Pankonin are both staple removers, not bag openers. There is no evidence at all that one of ordinary skill in the art of bag openers would look to the field of staple removers for guidance.

In addition, claim 1 has been amended to clarify that the first and second arms (a) form a single piece of material that (b) are connected only through a pivoting bridge at one end. In view of those additional limitations, the citations to both Dieringer and Pankonin must be withdrawn. Dieringer uses a separate spring to connect the arms, which is inconsistent with first and second arms forming a single piece of material. Pankonin connects the arms through a central pivot (e.g. Pankonin fig. 1), or has a central guiding element 23 (Pankonin fig. 5). In establishing a prima facie case for obviousness, the office cannot simply pull elements from here and there to produce the claimed combination.

Claims 4-7 are all allowable as being drawn to allowable claim 1.

Claims 1 and 6 were rejected as being obvious over Chen (US 276786) in view of Pankonin (US 2033050) and Dieringer (US 5438489). As discussed above, the citations to Pankonin and Dieringer must be withdrawn.

REQUEST FOR ALLOWANCE

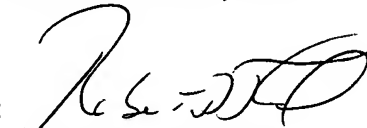
Claims 1, 4-7 are pending in this application. The applicants request allowance of all pending claims.

Respectfully submitted,

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By:



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